

REMARKS

In the subject Office Action, the examiner finally rejected pending Claims 1-17, 22 and 34 under 35 USC 103(a). Applicants request reconsideration of their application in view of this response, which points out errors in the examiner's characterization of the references used to reject base Claim 1, from which the other pending claims directly or indirectly depend.

Claim 1 was rejected as being obvious over Breed et al. '231 in view of Breed et al. '134 and Sullivan et al. '207. Breed et al. '231 teach the use of many sensors to sense many things about the occupants of a vehicle. These include weight sensors to sense the weight or presence of occupants and heartbeat sensors to sense occupant heartbeat(s). The examiner states that: (1) Breed et al. '231 teach that "the health sensor may be integrated into the motion (weight) sensor"; and (2) Sullivan et al. teach "that it is well known to measure heartbeat with a fluid-filled sensor". These are mischaracterizations of the references, or mis-leading characterizations at the very least.

When Breed et al. '231 say that various sensors may be "integrated", they mean that the sensors may be packaged together for convenient installation in a vehicle seat. This is quite different than locating one sensor (a fluid-filled bladder) in the seat and measuring pressure in the bladder to both estimate weight of an occupant and assess a medical condition of the occupant based on an isolated perturbation of the measured pressure.

Sullivan et al. teach the use of a piezoelectric film to measure movement-related energy of a patient, and a piezoelectric film is clearly not a fluid-filled sensor. Sullivan et al. do say that the piezoelectric film is "incorporated into a fluid-filled vinyl pad", but it is surely misleading to state that Sullivan et al. teach "that it is well known to measure heartbeat with a fluid-filled sensor".

In view of the above, Applicants respectfully submit that the subject matter of Claim 1 is not obvious in view of Breed et al. '134, Breed et al. '231 and Sullivan et al. '207, individually or in combination. Accordingly, Applicants respectfully submit that

U. S. Serial No. 10/631,100 -- 3

the rejection of Claim 1 is in error, and request that the rejection of Claim 1 be withdrawn. Claims 2-17, 22 and 34 depend directly or indirectly from Claim 1, and are patentable over the cited prior art for at least the same reasons given above in respect to Claim 1. Accordingly, Applicants also request that the rejections of Claims 2-17, 22 and 34 be withdrawn. Claims 1-17, 22 and 34 are believed to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark A. Navarre', with a long horizontal flourish extending to the right.

Mark A. Navarre, Attorney  
Registration No. 29572  
Telephone: (937) 653-3501